

Calendar No. 1232

93<sup>d</sup> CONGRESS  
2<sup>d</sup> SESSION

**S. 3394**

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IN THE SENATE OF THE UNITED STATES

DECEMBER 3, 1974

Ordered to lie on the table and to be printed

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## **AMENDMENTS**

Intended to be proposed by Mr. CRANSTON to S. 3394, a bill to amend the Foreign Assistance Act of 1961, and for other purposes, viz:

- 1     Insert at the appropriate place in the bill the following
- 2     new section:
- 3     “TERMINATION OF MILITARY ASSISTANCE AND SUBSIDIZED
- 4     SALES TO MILITARY DICTATORSHIPS AND REPRESSIVE
- 5     GOVERNMENTS
- 6     “SEC. . Chapter 2 of part II of the Foreign Assistance
- 7     Act of 1961, is further amended by adding at the end thereof
- 8     the following new section:
- 9     ““SEC. . TERMINATION OF MILITARY ASSISTANCE
- 10    AND SALES TO REPRESSIVE GOVERNMENTS.—(a) Notwith-

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1 standing any other provision of law (except subsections (b)  
2 and (c) of this section) —

3 “ (1) the amount of military assistance (including  
4 the value of any excess defense articles furnished) pro-  
5 vided to any country under this chapter, credits (includ-  
6 ing participation in credits) extended to any country  
7 under the Foreign Military Sales Act, and guarantees  
8 made to any country under such Act shall not exceed—

9 “ (A) during the fiscal year beginning July 1,  
10 1974, an amount equal to  $66\frac{2}{3}$  per centum; and

11 “ (B) during the fiscal year beginning July 1,  
12 1975, an amount equal to  $33\frac{1}{3}$  per centum;  
13 of the amount of such assistance provided, such credits  
14 extended, and such guaranties made, to such country  
15 during the fiscal year beginning July 1, 1973; and

16 “ (2) on and after October 1, 1976, no such assist-  
17 ance may be provided under this chapter, and no such  
18 credits may be extended or such guaranties made under  
19 such Act, with respect to any country.

20 “ (b) The provisions of subsection (a) of this section  
21 shall not apply with respect to a country for a fiscal year if—

22 “ (1) upon the recommendation of the Secretary  
23 of State, the President transmits to the Speaker of the  
24 House of Representatives and the Committee on Foreign  
25 Relations of the Senate a certification that he proposes to

1 provide such assistance, extend such credits, or make  
2 such guaranties to that country during that fiscal year,  
3 and that country is not, at the time such certification is  
4 transmitted, governed by a government which is a gov-  
5 ernment which has recently engaged in a pattern of gross  
6 violations of internationally recognized human rights  
7 (including torture or cruel, inhuman, or degrading treat-  
8 ment or punishment), prolonged detention without  
9 charges, or other flagrant denials of the right to life,  
10 liberty, or the security of the person; and

11 ““(2) that certification is not disapproved in accord-  
12 ance with subsection (e) of this section.

13 ““(c) The provisions of subsections (a) and (b) of  
14 this section shall not apply with respect to a country for a  
15 fiscal year if, upon the recommendation of the Secretary of  
16 State, the President transmits to the Speaker of the House of  
17 Representatives and the Committee on Foreign Relations of  
18 the Senate a statement that, with respect to that country for  
19 that fiscal year—

20 ““(1) he cannot make a certification pursuant to  
21 subsection (b) of this section;

22 ““(2) such assistance, credits, or guaranties are  
23 essential to the security and defense of the United  
24 States;

25 ““(3) such country is in a state of war and that

1 hostilities on a significant scale have occurred in or  
2 involved such country within the two years immediately  
3 preceding the transmittal of such statement;

4 ““(4) a clear and present danger exists that such  
5 hostilities will be resumed or escalated; and

6 ““(5) such assistance, credits, or guaranties are  
7 essential to avoid substantial jeopardy to continuing  
8 peace negotiations to which such country is a principal  
9 party.

10 The President is not required to include in a statement,  
11 transmitted after the transmittal of a certification with  
12 respect to that country for that fiscal year, the matter set  
13 forth in paragraph (1) of this subsection.

14 ““(d) Any certification transmitted under subsection  
15 (b) of this section or statement transmitted under subsection  
16 (c) of this section shall contain a full and complete state-  
17 ment of the reasons therefor and shall be published (except  
18 with respect to any portion classified pursuant to applicable  
19 law and regulation) in the Federal Register.

20 ““(e) (1) The President may provide such assistance,  
21 extend such credits, or make such guaranties, pursuant to a  
22 certification made under subsection (b) of this section,  
23 ninety calendar days after the certification has been trans-  
24 mitted to Congress or any day after such ninetieth day  
25 during the fiscal year with respect to which the certifica-

tion applies, unless, before the end of the first period of ninety calendar days of continuous session of Congress after such date on which such certification is transmitted, Congress adopts a concurrent resolution disapproving the assistance, credit, or guaranty with respect to which the certification is made.

“(2) For purposes of paragraph (1) of this subsection—

“(A) the continuity of a session is broken only by an adjournment of the Congress sine die; and

“(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the ninety-day period.

“(3) Paragraphs (4) through (12) of this subsection are enacted by Congress—

“(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of resolutions described by this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

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1           “(B) with full recognition of the constitutional  
2           right of either House to change the rules (so far as relat-  
3           ing to the procedure of that House) at any time, in the  
4           same manner, and to the same extent as in the case of  
5           any other rule of that House.

6           “(4) For purposes of this subsection, “resolution”  
7           means only a concurrent resolution, the matter after the re-  
8           solving clause of which is as follows: “That the Congress  
9           does not approve the (assistance, credits, guaranties) for  
10          \_\_\_\_\_ for fiscal year \_\_\_\_\_ and explained in the  
11          certification transmitted to Congress by the President on  
12          \_\_\_\_\_, 19—.”, the appropriate word within the  
13          parentheses being selected, the first blank space therein being  
14          filled with the name of the country on whose behalf the as-  
15          sistance is provided, credits are extended, or guaranties are  
16          made, the second blank space therein being filled with the ap-  
17          propriate fiscal year, and the other blank space therein being  
18          appropriately filled with the date of the transmittal of the  
19          certification; but does not include a resolution specifying  
20          more than any one of the following for more than the fiscal  
21          year for which the certification is made of assistance, credit  
22          sales, or guaranties.

23          “(5) If the committee, to which has been referred a  
24          resolution of disapproval, has not reported the resolution at  
25          the end of ten calendar days after its introduction, it is in

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1 order to move either to discharge the committee from further  
2 consideration of the resolution or to discharge the committee  
3 from further consideration of any other resolution with  
4 respect to the same assistance, credits, or guaranties which  
5 has been referred to the committee.

6 ““(6) A motion to discharge may be made only by an  
7 individual favoring the resolution, is highly privileged  
8 (except that it may not be made after the committee has  
9 reported a resolution with respect to the same assistance,  
10 credits, or guaranties) and debate thereon is limited to not  
11 more than one hour, to be divided equally between those  
12 favoring and those opposing the resolution. An amendment  
13 to the motion is not in order, and it is not in order to move  
14 to reconsider the vote by which the motion is agreed to or  
15 disagreed to.

16 ““(7) If the motion to discharge is agreed to, or dis-  
17 agreed to, the motion may not be renewed, nor may another  
18 motion to discharge the committee be made with respect  
19 to any other resolution with respect to the same assistance,  
20 credits, or guaranties.

21 ““(8) When the committee has reported, or has been  
22 discharged from further consideration of, a resolution with  
23 respect to a sale, credit sale, or guaranty, it is at any time  
24 thereafter in order (even though a previous motion to the  
25 same effect has been disagreed to) to move to proceed to

1 the consideration of the resolution. The motion is highly priv-  
2 ileged and is not debatable. An amendment to the motion is  
3 not in order, and it is not in order to move to reconsider the  
4 vote by which the motion is agreed to or disagreed to.

5 ““(9) Debate on the resolution is limited to not more  
6 than two hours, to be divided equally between those favor-  
7 ing and those opposing the resolution. A motion further to  
8 limit debate is not debatable. An amendment to, or motion  
9 to recommit, the resolution is not in order, and it is not in  
10 order to move to reconsider the vote by which the resolution  
11 is agreed to or disagreed to.

12 ““(10) Motions to postpone, made with respect to the  
13 discharge from committee, or the consideration of, a resolu-  
14 tion of disapproval, and motions to proceed to the considera-  
15 tion of other business, are decided without debate.

16 ““(11) Appeals from the decisions of the Chair relat-  
17 ing to the application of the rules of the Senate or the  
18 House of Representatives, as the case may be, to the  
19 proccedure relating to a resolution of disapproval are decided  
20 without debate.

21 ““(12) If, prior to the passage by one House of a  
22 concurrent resolution of that House, that House receives  
23 from the other House a concurrent resolution of such other  
24 House, then—



1           “(A) the procedure with respect to the concur-  
2       rent resolution of the first House shall be the same as  
3       if no concurrent resolution from the other House had  
4       been received; but

5           “(B) on any vote on final passage of the concur-  
6       rent resolution of the first House the concurrent res-  
7       olution from the other House shall be automatically  
8       substituted.’.”

9       Renumber all sections and references thereto as ap-  
10   propriate.

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ance Act of 1961, and for other purposes.

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